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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,185	07/25/2006	Kiyoshi Hirakawa	062835	7277
38834 7590 07/21/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER MOYER, DALE S				
ART UNIT 3664		PAPER NUMBER		
NOTIFICATION DATE 07/21/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/587,185

Applicant(s)

HIRAKAWA ET AL.

Examiner

Dale Moyer

Art Unit

3664

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. This final office action is in response to the applicants' amendment received by the United States Patent and Trademark Office on 26 April 2010.
2. Claims 1-3 have been presented in the application, of which, claims 1-2 are currently amended and claim 3 is original. Accordingly, pending claims 1-3 are addressed herein.

Response to Arguments

3. The applicants' arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The applicants are required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The functional limitations presented in claim 2 do not further define the apparatus in terms of its structure. Therefore, the claim does not further limit the subject matter of the previous apparatus claim.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 1, the recitation of "a brake release indication unit provided on the automatic machine..." combined with the recitation of "the brake release indication unit also serves as a driving power indication unit" render the claim indefinite because the metes and bounds of the claim are indeterminate. That is, it is unclear how the driving power indication unit relates to the brake release indication unit. For example, it is unclear whether the driving power indication unit is included in the brake release indication unit, or whether the brake release indication unit is included in the driving power indication unit or whether the two units are connected together or whether are portions of some unnamed unit.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimogama '448 (United States Patent No. 6,498,448) in view of Shimogama '887 (United States Patent No. 6,294,887).

In regards to claims 1-3, Shimogama '448 teaches an automatic machine control device, which controls at least one automatic machine having a brake for holding

a driving shaft connected to a motor, the automatic machine control device comprising: a brake releasing unit (Figs. 4-7, elements 10a and/or 10b) that releases the brake (Figs. 4-7, element 2) when the motor (Figs. 4-7, element 1) is not driven; said brake releasing unit connected to said brake through a release selection contact (Figs. 4-7, elements 13, K13 and/or K21) and a release contact (Fig. 7, elements 13, K13 and/or K21), and said release contact is configured to close so that a brake releasing current flowing from a power supply unit (Fig. 7, elements 9 or 20) to the release selection contact flows to the release contact to release the brake (column 3, line 46 through column 5, line 32).

Shimogama '448 is silent with respect to a brake release indication unit.

Shimogama '887 teaches a motor brake device for a robot. The motor brake device includes *inter alia*, a brake release indication unit (Fig. 2, element 5) that is provided with the automatic machine or in the vicinity of the automatic machine. The brake release indication unit is configured to change between two different states, wherein the changing of states is controlled by a switch (Fig. 2, element 7a). When the switch is closed, the indicator selects one state and when the switch is opened, the indication unit selects the other state.

It would have been obvious to a person having ordinary skill in the art at the time of invention to combine the teachings of Shimogama '448 and Shimogama '887. That is, it would have been obvious to add the brake release indication unit taught by Shimogama '887 to the device taught by Shimogama '448 so that brake release indication unit selects one state when the brake is released and selects another state

when the brake is not released. The person of ordinary skill in the art would have been motivated to make this combination for the purpose of presenting a release of the motor brake to an operator.

The examiner notes that "[indicating] that the brake is ready to be released by the brake releasing unit" is a subjective function that does further limit the claimed apparatus in terms of its structure. Therefore, the subjective function has not been given weight in the claim.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. United States Patent No. US 3,872,694 directed to an automatic

washing machine discloses much of the limitations of claim 1 with the exception of the applicants' indicator unit. However, automatic washing machines are well known to include generic indicators represent the operations depicted in Fig. 5. Thus, when combined with what is well known in the art, the combination teaches the claimed limitations of claim 1.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dale Moyer whose telephone number is (571)270-7821. The examiner can normally be reached on Monday through Thursday from 10AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dale Moyer/

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Examiner, Art Unit 3664

/KHOI TRAN/

Supervisory Patent Examiner, Art Unit 3664